

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Tomeko Nasha Henderson
aka Tomeko Nasha Hudson, aka Tomeko Nasha Zarotney
Debtor(s)

Bankruptcy Case No.: 17-21393-JAD
Issued Per Oct. 11, 2018 Proceeding
Chapter: 13
Docket No.: 67 – 61, 62
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated August 27, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,802 as of October 2018. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The secured claim of Santander Consumer USA at Claim No. 1 shall govern as to claim amount, to be paid at the modified plan terms.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: October 17, 2018

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Tomeko Nasha Henderson
 Debtor

Case No. 17-21393-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

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 Total Noticed: 30

Date Rcvd: Oct 17, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 19, 2018.

db +Tomeko Nasha Henderson, 350 Wilson Drive, Pittsburgh, PA 15235-1738
 cr +County of Allegheny, Goehring, Rutter & Boehm, 437 Grant Street, 14th Floor,
 Frick Building, Pittsburgh, PA 15219, UNITED STATES 15219-6101
 cr +DITECH FINANCIAL LLC, 14841 Dallas Parkway, Suite 300, Dallas, TX 75254-7883
 14397646 +AAS Debt Recovery, Inc., PO Box 129, Monroeville, Pennsylvania 15146-0129
 14397647 +Capital One Auto Finance, CB Disputes Team PO Box 259407, Plano, Texas 75025-9407
 14397649 +Coll Svc Center, PO Box 560, New Kensington, Pennsylvania 15068-0560
 14644105 +County of Allegheny, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101
 14397651 +Ditech Financial LLC, 3000 Bayport Drive, Suite 880, Tampa, Florida 33607-8409
 14777857 Educational Credit Management Corporation, PO Box 16408, St. Paul, MN 55116-0408
 14397652 +Jordan Tax Service, Inc., PO Box 200, Bethel Park, Pennsylvania 15102-0200
 14927648 +LSF10 Master Participation Trust c/o Caliber Home, 13801 Wireless Way,
 Oklahoma City, OK 73134-2500
 14397654 +Navient, 123 Justison Street 3rd Floor, Wilmington, Delaware 19801-5360
 14519834 +Navient Solutions, LLC. on behalf of, PHEAA, PO BOX 8147, Harrisburg, PA 17105-8147
 14658279 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Avenue,
 Pittsburgh, PA 15233-1828
 14397656 +Santander Consumer USA, PO Box 961245, Fort Worth, Texas 76161-0244
 14415469 +Santander Consumer USA, Inc., P.O. Box 560284, Dallas, TX 75356-0284
 14667900 UPMC East, PO Box 1123, Minneapolis, MN 55440-1123

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: acg.acg.ebn@americaninfosource.com Oct 18 2018 02:32:11
 Capital One Auto Finance, a division of Capital On, c/o Ascension Capital Group,
 4515 N. Santa Fe Ave. Dept. APS, Oklahoma City, OK 73118-7901
 14421988 +E-mail/PDF: acg.acg.ebn@americaninfosource.com Oct 18 2018 02:31:28
 Capital One Auto Finance, c/o Ascension Capital Gr, P.O. Box 201347,
 Arlington, TX 76006-1347
 14397648 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Oct 18 2018 02:32:09 Capital One Bank,
 PO Box 30281, Salt Lake City, Utah 84130-0281
 14397650 +E-mail/Text: bankruptcy_notifications@ccsusa.com Oct 18 2018 02:34:31
 Credit Collection Service, PO Box 607, Norwood, Massachusetts 02062-0607
 14520218 E-mail/Text: bankruptcy.bnc@ditech.com Oct 18 2018 02:33:23
 Ditech Financial LLC fka Green Tree Servicing LLC, P.O. Box 6154,
 Rapid City, South Dakota 57709-6154
 14676344 +E-mail/Text: kburkley@bernsteinlaw.com Oct 18 2018 02:34:24 Duquesne Light Company,
 c/o Allison L. Carr,, Bernstein-Burkley, P.C.,, 707 Grant St., Suite 2200, Gulf Tower,,
 Pittsburgh, PA 15219-1945
 14664215 E-mail/PDF: resurgentbknofications@resurgent.com Oct 18 2018 02:42:34
 LVNV Funding, LLC its successors and assigns as, assignee of Citibank (South Dakota),,
 N.A., Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14397653 +E-mail/Text: bankruptcydpt@mcmcg.com Oct 18 2018 02:33:54 Midland Funding LLC,
 2365 Northside Drive Suite 300, San Diego, California 92108-2709
 14397655 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 18 2018 02:54:26
 Portfolio Recovery, 120 Corporate Blvd, Norfolk, Virginia 23502
 14671174 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 18 2018 02:32:12
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14398614 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 18 2018 02:31:50
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14397657 +E-mail/Text: wfmelectronicbankruptcyntifications@verizonwireless.com Oct 18 2018 02:33:11
 Verizon, 500 Technology Drive Suite 300, Weldon Spring, Missouri 63304-2225
 14641065 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Oct 18 2018 02:42:43 Verizon,
 by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
 TOTAL: 13

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Ditech Financial LLC
 cr Duquesne Light Company
 cr* Educational Credit Management Corporation, PO Box 16408, St. Paul, MN 55116-0408
 cr* +LSF10 Master Participation Trust c/o Caliber Home, 13801 Wireless Way,
 Oklahoma City, OK 73134-2500
 cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 cr* +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828

TOTALS: 2, * 4, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 30

Date Rcvd: Oct 17, 2018

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 19, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 17, 2018 at the address(es) listed below:

Catherine T. Martin on behalf of Debtor Tomeko Nasha Henderson martinc@nlsa.us
James Warmbrodt on behalf of Creditor Ditech Financial LLC bkgroup@kmlawgroup.com
Jeffrey R. Hunt on behalf of Creditor County of Allegheny jhunt@grblaw.com,
cnoroski@grblaw.com
Office of the United States Trustee ustregion03.pi.ecf@usdoj.gov
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com,
ckutch@ecf.courtdrive.com;acarr@bernsteinlaw.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com

TOTAL: 7